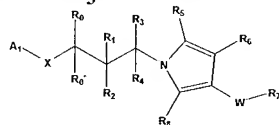


REMARKS

In the Office Action mailed September 12, 2006, the Examiner has construed the scope of the invention of the elected subject matter that have been extended and examined to be "compounds of formula (I),

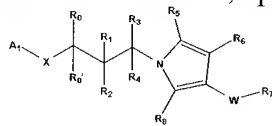


, wherein X is as defined; W is as defined; A₁

is an optionally substituted six-membered heterocyclic [sic] group having N as the only ring heteroatom; R₁-R₈ are as defined except that they don't represent a heterocyclic group." See Office Action, page 3. In view of the Examiner's action, Claims 1, 3, 12, 13, 18, 19, 28, 29, 34, 35, 43 and 44 have been amended to conform to the Examiner's action, and Claims 14-16, 30-32 and 45-47 have been withdrawn. The foregoing amendments are made solely for the purpose of advancing prosecution of this application, and without prejudice to applicants' right to continue to traverse the restriction requirement or to appeal the Examiner's decision on this issue on final rejection of claims or allowance of the application.

Traversal of Restriction Requirement

The applicants' traversal of the restriction requirement on the grounds previously set forth is hereby continued. In response to the comments set forth in the Amendment and Response filed June 30, 2006, the Examiner has stated, "The withdrawn compounds contain varying functional groups such as morpholino, pyrimidine, tetrazole, etc., which are chemically recognized to differ in structure and function." It is agreed that different heterocyclic groups have different chemical structures. However, applicants' invention is directed to a new family of



compounds, represented as , defined by the common core pyrrole chemical backbone structure and side chains, that have a common GSK3 inhibitory activity based upon the defined structure of the family. The heterocyclic substituents withdrawn by the Examiner function in the same manner in the compounds of the invention as a whole as inhibitors of GSK3

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activity. For example, the Examiner's withdrawal of any heterocyclic moiety as a permissible substituent for any of R₁-R₈ as representing a separate and distinct invention is wholly without merit in the record. In this regard, the Examiner's attention is drawn to the following examples which, among others, demonstrate as compounds of the invention GSK3 inhibitors that have one or more heterocyclic moieties at positions R₅-R₈ of structure I: Examples 2-6, 8-11, 14, 20, 23, 24, 30, 31, 34, 39, 42, 43, 45, 47, 48, 50, 51, 53-55, 58, 59, 61, 62, 65-67, 71, 74-76, 78, 80, 82, 84, 86, 96, 97, 104, 106, 107, 110, 113, 115-117, 119-121, 125, 126, 129-131, 134, 137, 138, 142, 144, 150, 152, 153, 160, 167, 172, 178, 180, 187, 190, 192, 199-201, 207, 209, 210, 215, 217, 218, 224, 227, 232, 235, 237, 239, 241, 243, 251, 260, 263, 266, 267, 275, 278, 284, 285, 290, 291, 298, 303, 304, 306, 310, 311, 316, 318, 323, 326, 329, 331-333 and 356. In addition, the Examiner's position is directly contrary to well established Patent Office practice, and serves only to fragment applicants' invention and artificially deny applicants claims of a scope to which they are entitled. Reconsideration of withdrawal of the restriction requirement is requested. In the event the Examiner maintains the restriction requirement, applicants reserve the right to appeal the Examiner's decision.

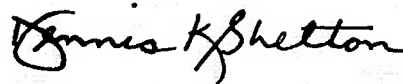
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Conclusion

Entry of the foregoing amendments, reconsideration of the restriction requirement, and examination of the application on the merits is requested. The Examiner is further requested to contact applicants' representative at the number set forth below to resolve any issues that may facilitate prosecution of this application.

Respectfully submitted,

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